UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at WINCHESTER

DORA M. ELDER and TIMOTHY S. ELDER,)
Plaintiffs,)
V.) Case No. 4:05-cv-12
RICKEY C. McCLELLAND and THOMAS E. ABBOTT,))) Judge Mattice
Defendants.)

ORDER

United States Magistrate Judge William B. Mitchell Carter filed his Report and Recommendation (Court Doc. No. 40) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Neither party filed objections within the given 10 days.

After reviewing the record, the Court agrees with the Magistrate Judge's report and recommendation. The Court thus **ACCEPTS** and **ADOPTS** the Magistrate Judge's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b).

Accordingly, the Court **ORDERS**:

- (1) Defendant McClelland's Motions to Dismiss (Court Doc. Nos. 28 and 30) are **GRANTED**.
- (2) The above-captioned case is **DISMISSED WITH PREJUDICE**.
 SO ORDERED this 6th day of June, 2007.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE